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5 ATTORNEY FOR PLAINTIFF  
SOLO INDUSTRIES, INC.  
6

7 UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
8

9 SOLO INDUSTRIES, INC,	) No.
	)
10 Plaintiff,	) COMPLAINT FOR:
	)
11 vs.	) 1. PATENT INFRINGEMENT
	)
12 MIKE'S NOVELTIES, INC., MIKE'S	) 2. TRADEMARK INFRINGEMENT, FALSE
WORLDWIDE, LLC and MIKE'S	) ADVERTISING, AND UNFAIR BUSINESS
13 WORLDWIDE, INC all doing business as	) PRACTICES
MIKE'S WORLDWIDE, INC.,	)
14 WWW.GOMWI.COM, and MIKES	) 3. COUNTERFEITING
WORLDWIDE IMPORTS and MANISCH	)
15 CHANDER, also known as MIKE CHANDER,	) 4. COPYRIGHT INFRINGEMENT
MANISCH CHANDRA, and MIKE	)
16 CHANDRA, individually	)
	)
17 Defendants.	)
	)

18  
19 Plaintiff Solo Industries, Inc. ("SOLO") submits this Complaint for Patent Infringement,  
20 Trademark Infringement, False Advertising, Unfair Business Practices, and Counterfeiting  
21 against defendants Mike's Novelties, Inc., Mike's Worldwide, LLC and Mike's Worldwide, Inc.  
22 doing business as Mike's Worldwide, Inc., www.gomwi.com, and Mike's Worldwide Imports  
23 (collectively, "MWI") and Manisch Chander, also known as Mike Chander, Manisch Chandra,  
24 and Mike Chandra, individually, ("Mr. Chander") (all defendants will collectively be referred to  
25 as "Defendants") as follows:  
26

**INTRODUCTION**

1           1. SOLO invented a self-lighting integrated smoking device (“Solopipe”). The  
2 Solopipe is a novel invention conceived in California and marketed internationally. The Solopipe  
3 combines the functionality of a lighter with a pipe.

4           2. The U.S. Patent and Trademark Office (“USPTO”) granted SOLO three (3)  
5 patents and one (1) trademark registration for the mark SOLOPIPE protecting the valuable  
6 intellectual property associated with its Solopipe.

7           3. SOLO has revolutionized the market in smoking pipes with its Solopipe by  
8 integrating a bowl for storage of smoking material, an ignition source, a fuel source, and a  
9 chamber to carry smoke to the user into one device. The revolutionary, patented design was the  
10 result of SOLO’s large investment in innovation and has led to the extraordinary acclaim and  
11 success of SOLO. Solopipe has had commercial success both in the United States and  
12 internationally.

13           4. Defendants sell a self-lighting integrated smoking device using the mark  
14 “SOLOPIPE” on its website at [www.gomwi.com](http://www.gomwi.com) and in its catalogs.

15           5. This action seeks damages for patent infringement, trademark infringement, false  
16 advertising, unfair business practices, and product counterfeiting relating the unauthorized sale  
17 of a self-lighting integrated smoking device sold under the trademark SOLOPIPE. The claims are  
18 made against MWI and Mr. Chander as an owner, officer, director, and/or member of MWI.

19           6. Defendants have systematically copied SOLO’s innovative technology, product  
20 features, designs, and trademark and have flooded the market with its infringing and competing  
21 product in an effort to take market share from SOLO. Instead of pursuing their own independent  
22 product development, Defendants have blatantly copied SOLO’s innovative technology in  
23 violation of SOLO’s intellectual property rights.

24           7. Despite an array of intellectual property rights protecting the Solopipe,  
25 Defendants have engaged in significant counterfeiting. Defendants’ counterfeit Solopipes  
26

1 deceive consumers into believing the product that they purchased is an authorized product of  
2 SOLO. Consumers falsely believe, when purchasing Defendants counterfeit Solopipe, that they  
3 will receive all of the benefits of a legitimate SOLO product.

4 8. This action seeks injunctive relief and damages against Defendants for patent  
5 infringement, trademark infringement, false advertising, unfair business practices, and product  
6 counterfeiting relating to the unauthorized manufacturing, importation, offering for sale, and sale  
7 of counterfeit self-lighting integrated smoking devices sold by Defendants under the trademark  
8 SOLOPIPE. The claims are made against MWI and Mr. Chander as an owner, officer, director,  
9 and/or member of MWI.

#### 10 **PARTIES**

11 9. SOLO is a corporation duly organized and operating under the laws of the State of  
12 California with its principal place of business located in the County of Los Angeles, State of  
13 California.

14 10. Upon information and belief, defendants Mike's Novelties, Inc., Mike's  
15 Worldwide, LLC and Mike's Worldwide, Inc. doing business as Mike's Worldwide, Inc.,  
16 www.gomwi.com, and Mike's Worldwide Imports are Texas corporations or limited liability  
17 companies with their principal place of business in Houston, Texas. On information and belief,  
18 MWI is engaged in the business of importing, distributing, offering to sell, and selling products  
19 through its online retail website over the internet throughout the United States and the World.

20 11. Upon information and belief, Manisch Chander, also known as Mike Chander,  
21 Manisch Chandra, and Mike Chandra is an individual residing in the Houston, Texas  
22 metropolitan area. Upon information and belief, Mr. Chander is the owner, officer, director,  
23 and/or member of MWI.



1           17. Solopipe is a novel invention conceived in California and marketed  
2 internationally. SOLO acquired its patents, trademarks, and copyrights to protect the valuable  
3 intellectual property associated with the Solopipe.

4           18. SOLO undertook significant efforts and extensive costs to create and develop its  
5 Solopipe and to apply for patent registrations.

6           19. SOLO filed three (3) patent applications for the Solopipe with United States  
7 Patent and Trademark Office (“USPTO”), all of which were granted registration.

8           20. As a result of its efforts, SOLO is the owner of U.S. Design Patent Registration  
9 No. D577,150 (the “D’150 Patent”) for an “Integrated Smoking Implement” issued on September  
10 16, 2008. *See* copy of the D’150 Patent attached as Exhibit A.

11           21. SOLO is the owner of U.S. Utility Patent Registration No. 7,905,236 (the “’236  
12 Patent”) for an “Integrated Smoking Device” issued on March 15, 2011. *See* copy of the ‘236  
13 Patent attached as Exhibit B.

14           22. SOLO is the owner of U.S. Utility Patent Registration No. 7,753,055 (the “’055  
15 Patent”) for an “Integrated Smoking Device” issued on July 13, 2010. *See* copy of the ‘055 Patent  
16 attached as Exhibit C.

17           23. In addition, SOLO filed a trademark application with the USPTO on May 24,  
18 2007 which resulted in SOLO receiving a Trademark Registration No. 3,375,493 for the mark  
19 SOLOPIPE (the “SOLOPIPE Mark”) on January 29, 2008. *See* copy of the U.S. Certificate of  
20 Registration for the mark SOLOPIPE attached as Exhibit D.

21           24. SOLO also owns California Trademark Registration No. 112969 for the mark  
22 SOLOPIPE. *See* copy of the California Certificate of Registration for the mark SOLOPIPE  
23 attached as Exhibit E.

24           25. SOLO’s Solopipe is manufactured by a licensed manufacturer and sold to  
25 licensed wholesalers and retailers across the United States and the world.  
26

1 26. SOLO only licenses one manufacturer to produce its Solopipes.

2 27. SOLO only allows its licensees to sell the Solopipe to retailers or consumers.

3 28. Since 2007, SOLO has continuously used its SOLOPIPE Mark to identify its  
4 patented Solopipes from the self-lighting pipes of others.

5 29. SOLO undertakes significant efforts, and expends considerable sums each year, to  
6 ensure that its Solopipes cannot be purchased through any wholesaler or retailer that is not  
7 controlled or licensed by SOLO.

8 30. At no time has SOLO licensed or otherwise authorized Defendants to  
9 manufacture or sell its Solopipes and related products or use the Solopipe Mark.

10 **DEFENDANTS' INFRINGING ACTIVITY**

11 31. Rather than innovate and develop their own technology, Defendants have chosen  
12 to copy SOLO's technology in its Solopipe.

13 32. Upon information and belief, Defendant has been and is infringing SOLO'S D'  
14 150 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated  
15 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology and innovative  
16 style contained in SOLO's D'150 Patent.

17 33. Upon information and belief, Defendant has been and is infringing SOLO's '236  
18 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated  
19 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology contained in  
20 SOLO's '236 Patent.

21 34. Upon information and belief, Defendant has been and is infringing SOLO's '055  
22 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated  
23 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology contained in  
24 SOLO's '055 Patent.

1           35.     Upon information and belief, Defendants have been and are infringing SOLO's  
2 D' 150, '236, and '055 Patents by manufacturing, importing, offering to sell, and selling its self-  
3 lighting integrated smoking device, under the SOLOPIPE Mark, that copies SOLO's technology  
4 and innovative style contained in SOLO's D' 150, '236, and '055 Patents at the direction and  
5 control of defendant Mr. Chander.

6           36.     Defendants' infringement of SOLO's patents identified in this Complaint  
7 provides Defendants with unique functionality for his product that is the result of SOLO's  
8 innovation, not Defendants'. Defendants have not obtained permission from SOLO to use its  
9 inventions in the identified patents.

10          37.     Defendants have had actual notice and constructive notice of SOLO's patent  
11 claims in SOLO's D' 150, '236, and '055 Patents.

12          38.     Upon information and belief, Defendants have been manufacturing, importing,  
13 offering for sale, marketing, promoting, advertising, and selling self-lighting integrated smoking  
14 devices to individuals, wholesalers, and retailers across the nation that infringe upon SOLO's  
15 U.S. Trademark Registration No. 3, 375,493, the SOLOPIPE MARK.

16          39.     Upon information and belief, Defendants have been manufacturing, importing,  
17 offering for sale, marketing, promoting, advertising, and selling self-lighting integrated smoking  
18 devices to individuals, wholesalers, and retailers across the nation using nearly exact copies of  
19 the SOLOPIPE Mark.

20          40.     Upon information and belief, Defendants had both actual and constructive  
21 knowledge of SOLO's ownership of and rights in the SOLOPIPE Mark.

22          41.     Defendants adopted and used in commerce the SOLOPIPE Mark, and marks  
23 confusingly similar to the SOLOPIPE Mark, with full knowledge that their infringing use of the  
24 SOLOPIPE Mark was intended to cause confusion, mistake, and deception among consumers.  
25  
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1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.  
2 Chander is jointly and severally liable for the infringing activity.

3 50. Upon information and belief, Defendants' have gained profits by virtue of its  
4 infringement of the D' 150 Patent.

5 51. SOLO has sustained damages as a direct and proximate result of Defendants'  
6 infringement of the D'150 Patent.

7 52. SOLO is suffering and will continue to suffer irreparable harm from Defendants'  
8 continued infringement of the D' 150 Patent. SOLO has no adequate remedy at law and is  
9 entitled to an injunction against Defendants continuing infringement of the D' 150 Patent. Unless  
10 enjoined, Defendants will continue to infringe its product.

11  
12 **COUNT II**  
13 **PATENT INFRINGEMENT**  
**(Infringement of the '236 Patent)**

14 53. SOLO repeats and re-alleges the allegations of paragraphs 1 through 52, as  
15 though fully set forth herein.

16 54. Upon information and belief, Defendants have infringed and continue to infringe,  
17 directly and indirectly through contributory and/or induced infringement, one or more claims of  
18 the '236 Patent by manufacturing, importing, offering to sell, and selling in the United States its  
19 self-lighting integrated smoking device. Defendants' activities violate 35 U.S.C. § 271.1

20 55. Upon information and belief, Defendants' infringement of the '236 Patent has  
21 been and continues to be intentional, willful, and without regard to SOLO's rights. Upon  
22 information and belief, Defendants' infringement of the '236 Patent is and has been intentional,  
23 deliberate, and willful at least because Defendants have had knowledge of the '236 Patent as a  
24 result of their participation in the pipe manufacturing and selling industry.

25 56. Defendants, including Mr. Chander, had actual knowledge of the patent  
26 infringement by Defendants or was willfully negligent to the same. Defendant Mr. Chander

1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.  
2 Chander is jointly and severally liable for the infringing activity.

3 57. Upon information and belief, Defendants' have gained profits by virtue of its  
4 infringement of the '236 Patent.

5 58. SOLO has sustained damages as a direct and proximate result of Defendants'  
6 infringement of the '236 Patent.

7 59. SOLO is suffering and will continue to suffer irreparable harm from Defendants'  
8 continued infringement of the '236 Patent. SOLO has no adequate remedy at law and is entitled  
9 to an injunction against Defendants continuing infringement of the '236 Patent. Unless enjoined,  
10 Defendants will continue to infringe its product.

11  
12 **COUNT III**  
13 **PATENT INFRINGEMENT**  
**(Infringement of the '055 Patent)**

14 60. SOLO repeats and re-alleges the allegations of paragraphs 1 through 59, as  
15 though fully set forth herein.

16 61. Upon information and belief, Defendants have infringed and continue to infringe,  
17 directly and indirectly through contributory and/or induced infringement, one or more claims of  
18 the '055 Patent by manufacturing, importing, offering to sell, and selling in the United States its  
19 self-lighting integrated smoking device. Defendants' activities violate 35 U.S.C. § 271.

20 62. Upon information and belief, Defendants' infringement of the '055 Patent has  
21 been and continues to be intentional, willful, and without regard to SOLO's rights. Upon  
22 information and belief, Defendants' infringement of the '055 Patent is and has been intentional,  
23 deliberate, and willful at least because Defendants have had knowledge of the '055 Patent as a  
24 result of their participation in the pipe manufacturing and selling industry.

25 63. Defendants, including Mr. Chander, had actual knowledge of the patent  
26 infringement by Defendants or was willfully negligent to the same. Defendant Mr. Chander

1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.  
2 Chander is jointly and severally liable for the infringing activity.

3 64. Upon information and belief, Defendants' have gained profits by virtue of its  
4 infringement of the '055 Patent.

5 65. SOLO has sustained damages as a direct and proximate result of Defendants'  
6 infringement of the '055 Patent.

7 66. SOLO is suffering and will continue to suffer irreparable harm from Defendants'  
8 continued infringement of the '055 Patent. SOLO has no adequate remedy at law and is entitled  
9 to an injunction against Defendants continuing infringement of the '055 Patent. Unless enjoined,  
10 Defendants will continue to infringe its product.

11  
12 **COUNT IV**  
**TRADEMARK INFRINGEMENT and UNFAIR BUSINESS PRACTICES**

13 67. SOLO repeats and re-alleges the allegations of paragraphs 1 through 66, as  
14 though fully set forth herein.

15 68. SOLO owns U.S. and California trademark registrations for the mark SOLOPIPE.

16 69. SOLO also has common law trademark rights in the SOLOPIPE Mark.

17 70. SOLO has placed the SOLOPIPE Mark on its self-lighting integrated smoking  
18 device in such a manner that the consuming public associates the word "SOLOPIPE" with a  
19 unique, self-lighting integrated smoking device. The SOLOPIPE Mark is further stamped on the  
20 housing of the lighter, screen printed on the sales case, and prominently depicted on the  
21 www.solopipe.com website.

22 71. SOLO has used its federally and state registered SOLOPIPE Mark in commerce  
23 in connection with its goods and services including its self-lighting smoking device.

24 72. Upon information and belief, Defendants have adopted and continue to use in  
25 commerce SOLO's federal and state registered SOLOPIPE Mark and marks confusingly similar  
26 to the SOLOPIPE Mark with knowledge of SOLO's superior rights, and with full knowledge that

1 their infringing use of SOLO's SOLOPIPE Mark was intended to cause confusion, mistake, and  
2 deception among consumers.

3 73. None of the Defendants have sought or obtained a license from SOLO to use the  
4 SOLOPIPE Mark for use on any products or for use in selling, offering for sell, advertising, or  
5 marketing any product.

6 74. Defendants' infringing use of the SOLOPIPE Mark is likely to cause and has  
7 caused consumer confusion, deception, and mistake as to the source, affiliation, connection, and  
8 sponsorship of the infringing products.

9 75. Defendants' actions constitute knowing, deliberate, and willful infringement of  
10 SOLO's federally and state registered trademarks. The knowing and intentional nature of the acts  
11 set forth above renders this an exceptional case under 15 U.S.C. § 1117(a).

12 76. The trademark infringement and unfair business practices by Defendants and/or at  
13 the direction of Mr. Chander is causing consumer confusion about the source and sponsorship of  
14 these counterfeit goods.

15 77. Defendants, including Mr. Chander, had actual knowledge of the trademark  
16 infringement and unfair business practices of Defendants or was willfully negligent to the same.  
17 Defendant Mr. Chander directed and materially profited from the activities of Defendants'  
18 trademark infringement and unfair business practices. As such, defendant Mr. Chander is jointly  
19 and severally liable for the trademark infringement and unfair business practices.

20 78. As a direct and proximate result of Defendants' manufacturing, importing,  
21 offering to sell, marketing, advertising, and selling self-lighting integrated smoking devices that  
22 infringe SOLO's federal and state trademarks, SOLO has suffered financial injury to its business,  
23 reputation, and goodwill. As a result, SOLO has been and will continue to be deprived of  
24 revenues and profits it otherwise would make and has sustained a loss of goodwill.  
25  
26





1 against Defendants preventing unfair trade practices. Unless enjoined, Defendants will continue  
2 to unfairly compete with SOLO.  
3

4 **COUNT VII**  
5 **COUNTERFEITING**

6 94. SOLO repeats and re-alleges the allegations of paragraphs 1 through 93, as  
7 though fully set forth herein.

8 95. Counterfeiting has been recognized as a serious issue resulting in tremendous  
9 losses to American businesses. To combat counterfeits, Congress passed the “Anticounterfeiting  
10 Consumer Protection Act of 1996” (“ACPA”).

11 96. California has a similar statute in Business and Professions Code § 14250.

12 97. Defendants are manufacturing, importing, offering for sale, and selling counterfeit  
13 Solopipes.

14 98. The use by Defendants and/or at the direction of Mr. Chander of counterfeit  
15 products that Defendants have manufactured, imported, offered for sale, and sold have caused  
16 and is causing consumer confusion about the source and sponsorship of these counterfeit goods.

17 99. Defendants, including , Mr. Chander had actual knowledge of the business  
18 activities of Defendants including but not limited to manufacturing, importing, offering for sale,  
19 and selling of counterfeit goods, or was willfully negligent to the same. Defendant Mr. Chander  
20 directed and materially profited from the activities of Defendants’ counterfeiting. As such,  
21 defendant Mr. Chander is jointly and severally liable for the counterfeiting.

22 100. SOLO has sustained damages as a direct and proximate result of  
23 Defendants’ counterfeiting.

24 101. SOLO is suffering and will continue to suffer irreparable harm from Defendants’  
25 continued counterfeiting. SOLO has no adequate remedy at law and is entitled to an injunction  
26

1 against Defendants from continuing to counterfeit. Unless enjoined, Defendants will continue to  
2 counterfeit.

3  
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff Solo Industries, Inc. prays that this Court grant it the following  
6 relief:

7 A. With regard to Plaintiff's claims for patent infringement:

- 8 1. Actual damages to be trebled for willfulness;  
9 2. Damages according to statute;  
10 3. Attorney's fees; and  
11 4. Costs of Suit.

12 B. With regard to Plaintiff's claims for federal and state trademark infringement and  
13 unfair business practices:

- 14 1. Defendants' profits pursuant to the Lanham Act and California Trademark  
15 Law;  
16 2. Damages sustained by the Plaintiff for trademark infringement;  
17 3. Damages according to statute;  
18 4. Attorney's fees; and  
19 5. Costs of Suit.

20 C. With the regard to Plaintiff's claims for counterfeiting:

- 21 1. Defendants' profits and statutory damages of up to \$ 1,000,000 per Defendant  
22 under the ACPA;  
23 2. Defendants' profits, these profits being trebled under state law;  
24 3. Attorney's fees; and  
25 4. Costs of Suit.

26 D. With regard to all claims as presented by the Plaintiff as against the Defendants:



